

### REMARKS

In an Office Action dated January 29, 2003 (paper no. 6), the Examiner rejected claims 1-4, 7, 8, and 10-14 under 35 U.S.C. §103(a) as being unpatentable over Yu (U.S. patent no. 6,078,943) in view of Smith (U.S. patent no. 5,835,724). The Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Smith and further in view of Adelman et al. (U.S. patent no. 6,006,259). The Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Smith and further in view of Attanasio et al. (U.S. patent no. 5,918,017) and Fine (U.S. patent no. 4,894,846). The Examiner rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Smith and further in view of the applicants' admitted prior art. The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-4, 7, 8, and 10-14 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Smith. Specifically, with respect to claim 1, the Examiner stated that Yu teaches a communication system network having multiple servers (FIG. 1, ref. nos. 54), each of the servers having a load level based on serving a number of clients in the communication system network (col. 1, lines 10-11), the method including steps of grouping the multiple servers into first and second server groups (col. 4, lines 52-53), wherein the first server group or has load level less than a load level of the second server group (col. 3, lines 53-55), calculating a time period T (col. 3, line 1), assigning load to a server selected from servers in the first server group from an initial time until expiration of the time period T (col. 2, lines 58-60).

The Examiner acknowledged that Yu does not teach assigning load to a server after time T. However, the Examiner contended that Smith teaches assigning load to a server selected from servers in the first and second server groups after expiration of the time period T (col. 14, lines 43-47 and col. 15, lines 15-18).

The applicants respectfully disagree with the Examiner's interpretation of Yu and Smith. Yu addresses a problem of load balancing where a server group includes multiple

distributed servers of varying capacities, that is, a heterogeneous group of servers. In order to balance load among a server group wherein the server capacities are varied, Yu proposes routing requests to a particular server in the group for a time interval that is determined based on a source request load and a capacity of the particular server. Nowhere does Yu teach multiple groups of servers, let alone how to allocate load among the multiple groups. The section of Yu cited by the Examiner as teaching multiple groups merely notes that a server group may have more than one server to handle high traffic requirements (col. 4, lines 52-32; See also FIG. 1).

Smith, too, teaches nothing concerning load balancing among multiple groups of servers. In fact, Smith teaches only a single server, that is session server 24. Smith then provides a mechanism for simplifying a retrieval of session data from the server when a client establishes a first connection with the server, session data is retrieved during the first connection, the first connection is terminated, and then the client establishes a second connection with the server. In order to avoid having to again retrieve all of the session data subsequent to the establishment of the second session, Smith merely teaches the server maintaining the retrieved data for a predetermined period of time after termination of the first connection. Accordingly, Smith also teaches nothing concerning assigning load to a server selected from servers in first and second server groups after expiration of the time period T.

Therefore, nowhere does Yu or Smith, individually or in combination, teach the limitations of claim 1 of grouping multiple servers into first and second server groups, wherein the first server group has load level less than load level of the second server group, calculating a time period T, assigning load to a server selected from servers in the first server group from an initial time until expiration to the time period T, and assigning load to a server selected from servers in the first and second server groups after expiration of the time period T. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Each of claims 2-4 includes limitations of grouping multiple servers into multiple server groups, calculating multiple time periods, assigning load to a server selected from a first server group of the multiple server groups in a first time period, and assigning load

to a server selected from the first server group or another server group of the multiple server groups in a subsequent time period. As noted above, none of these limitations are taught by either Yu or Smith, individually or in combination. Accordingly, the applicants respectfully request that claims 2-4 may now be passed to allowance.

Since claims 5-14 depend upon allowable claim 4, the applicants respectfully request that claims 5-14 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

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